IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 23272 of 2004

Between:

Sudhakar Patil, S/o. Shyam Rao Patil,
R/o. 2-1-140, Kunjikanivas, N.G.O."s Colony, Zaheerabad.

..... PETITIONER

AND

1 Incharge Commissioner, Municipal Council, Zaheerabad Municipality, Zaheerabad, Medak District.
2 Commissioner, Municipal Council, Zaheerabad, Municipality,

Zaheerabad, Medak District.
3 The Chairman, Municipal, Council, Zaheerabad, Municipality,

Zaheerabad, Medak District.
4 Municipal Engineer, Muncipal Council, Zaheerabad, Municipality,

Zaheerabad, Medak District.
5 M/s. Manjeera Irrigation & Services Submerssible - Borewell

Contractor & Dealer, Main Road, Zaheerabad, Medak District.
6 The District Collector, Sangareddy, Medak District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or orders or direction or directions more particularly in the nature

of a writ of Mandamus under Art. 226 of the Constitution of India to call for the records to strike down the notice dt. 22.11.2004 issued by the Respondent No.3 calling for emergency meeting to pass resolution dt. 23.11.2004 to give work order to the Respondent No.5 at a higher rate of 2.85% more than the rate fixed in the tender by the Municipality, illegally refusing to give the copy of the resolution dt. 23.11.2004 to the Municipal Councilors, though applications were made to the Respondent No.1, consequently to Stay all further proceedings in respect of purchase of Submerised pumpsets from the respondent No.5 by the Respondents Nos. 1, 3 at a higher rate of 2.85% more than the rate fixed in the tender by the Municipality, as per the notice dt. 22.11.2004 issued by the respondent No.3, till the final disposal of the Main Writ Petition, in the interest of justice and equity.

Counsel for the Petitioner:MR.Y.V.CHALAPATHY RAO

Counsel for the Respondents 1 to 4: Mr.Polisetty Radhakrishna

Counsel for the Respondent No.5: None appeared.

Counsel for the Respondent No.6: The G.P. for Revenue

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

This petition is filed as Public Interest Litigation. Petitioner is a member of Bharatiya Janata Party and appears to be aggrieved by the action of the respondent-Municipal Council in having awarded contract to the fifth respondent for supply of submersible pump sets at a price 2.85% higher than the estimated price. Petitioner in fact was not the person who had participated in tenders. None who participated in the tenders has raised any objections.

In order to satisfy ourselves, we had asked the learned counsel for

respondents 1 to 4 to make available the relevant files inviting tenders and finalizing the same. Files have been produced before us. There is proper paper advertisement inviting tenders. Thereafter, the tenders were evaluated and decision was taken to award contract to the fifth respondent. Learned counsel for the petitioner states that there was no necessity to have called for emergent meeting on 23rd November, 2004 to award such a contract at 2.85% higher than the estimated price and that also to respondent No.5 since another person is prepared to supply the pump sets at the estimated rate. It appears that the petitioner is espousing the cause of such other person who is now ready to supply the pump sets at a less price than quoted by the fifth respondent. Such a grievance cannot be entertained by us in a petition which has been filed as Public Interest Litigation. As a matter of fact, this is not a public interest litigation but private interest litigation and we find no merit in it and accordingly dismiss the same.

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DEVINDER GUPTA, CJ

28-12-2004

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M.NARAYANA REDDY, J

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To

1 Incharge Commissioner, Municipal Council, Zaheerabad Municipality, Zaheerabad, Medak District.
2 Commissioner, Municipal Council, Zaheerabad, Municipality,

Zaheerabad, Medak District.

3 The Chairman, Municipal, Council, Zaheerabad, Municipality,

Zaheerabad, Medak District.
4 Municipal Engineer, Muncipal Council, Zaheerabad, Municipality,

Zaheerabad, Medak District.
5 The District Collector, Sangareddy, Medak District.

6 2 CCs to the Govt. Pleader for Revenue, High Court Buildings,

Hyderabad (OUT).

7 2 CD copies.